

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DANIEL P. KELLY, JR.,

Plaintiff,

v.

PENNYMAC LOAN SERVICES, LLC,

Defendant.

Case No. 3:22-cv-01412-N

Honorable David C. Godbey

JOINT STATUS REPORT

Pursuant to Fed. R. Civ. P. 26(f) and this Court's Order (Dkt. #12), the Parties submit the following Joint Status Report.

1. A brief statement of the nature of the case, including the contentions of the parties:

Plaintiff's position: Plaintiff brings his Complaint for alleged violations of the Telephone Consumer Protection Act ("TCPA") pursuant to 47 U.S.C. § 227, *et seq.* and the Texas Debt Collection Act ("TDCA") under Tex. Fin. Code Ann. § 392 *et seq.* Specifically, Plaintiff alleges that Defendant violated the TCPA and TDCA by repeatedly calling Plaintiff's cellular phone attempting to collect upon the subject debt after Plaintiff had demanded that the collection calls cease. Plaintiff had made his demands for the calls to cease both verbally and in writing. Furthermore, Plaintiff has been subjected to numerous pre-recorded messages from Defendant after he had made his requests for the collection calls to cease.

Defendant's position: Defendant denies the allegations of wrongdoing asserted by Plaintiff, denies liability under the statutes referenced, and denies that Plaintiff is entitled to any of the relief requested. In particular, Defendant states that the calls at issue are not subject to the

TCPA, Plaintiff was working with Defendant to obtain a modification and the calls were permissible, and no wrongdoing was committed.

2. The status of settlement discussions (excluding any discussion of amounts);

Plaintiff has tendered a settlement demand to Defendant and the parties are discussing same.

3. Possible joinder of additional parties;

At this time, the parties believe it is unlikely that any additional parties will be joined nor the pleadings amended.

4. Any challenge to jurisdiction or venue;

None.

5. Any pending motions:

None.

6. Date by which the case will be ready for trial and estimated length of trial:

The parties anticipate this case will be ready for trial by August of 2023 and will last no more than 2 days.

7. The desirability of ADR, and the timing for ADR;

The parties propose mediation to assist in facilitating resolving this case to be completed before the close of discovery.

8. Any objections to disclosure under Rule 26(a)(1);

None at this time.

Dated: September 28, 2022

/s/ Nathan Volheim

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